

03-17-94A09:07 RCVD

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 1-94
FOR MIKE PICARD

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of Commissioners February 22, 1994, with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from URBAN RESIDENTIAL/ RS to INDUSTRIAL/ IL on 5.14 acres located 500 feet south of the Burlington Northern Railroad and on the west side of Altamont Drive. The applicant intends to develop the site for a mini warehouse storage complex.

This application was reviewed pursuant to Article 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant appeared and presented testimony on behalf of the application. The Planning Department was represented by Carl Shuck, Planning Director. The recording secretary was Karen Burg, Administrative Secretary. Members of the Board of County Commissioners who participated in this hearing were: Ed Kentner, Wes Sine and F. Jean Elzner. The County Planning Commission, with a quorum present, participated in an advisory manner.

3. LOCATION

The site considered in this application is 5.14 acres located in a portion of Section 15 of Township 39, Range 9, Map 3909-15CA-100.

4. RELEVANT FACTS

The applicant has requested a CLUP/ZC from URBAN RESIDENTIAL/ RS to INDUSTRIAL/ IL on 5.14 acres located 500 feet south of the Burlington Railroad and west side of Altamont Drive.

The zoning designation of land to the north and south is Light Industrial. Directly to the east of the subject property, the zoning designation is General Commercial.

The proposed change will have no significant adverse effect on the appropriate use and development of adjacent properties because the adjoining properties are zoned Light Industrial.

The property affected by the proposed change has access from Altamont Drive and can adequately serve the type of traffic that will be generated from the use.

The site for the change in use is 5.14 acres and is adequate in size. The minimum lot size for the Light Industrial zone is 5000 square feet.

5. ARTICLE 48-CHANGE OF LAND USE PLAN: Conclusions and Findings.

The applicant's testimony documented public need for the proposed change.

The applicant stated that the access to the site will be off of Altamont Drive.

Applicant's presentation and testimony on the conversion to an industrial designation is consistent and supportive with Goal 9 "Economic Development."

The Board of Commissioners finds the change in plan designation is supported by the record, exhibits, and testimony in that the use of the property would be an appropriate industrial use of the site, given the size, location and surrounding land use.

6. Article 47-CHANGE OF ZONE DESIGNATION:Conclusions/Findings

The proposed change of zone designation is in conformance with the Comprehensive Plan and does not afford special privileges to an individual property owner not available to the general public or outside the overall public interest for the change.

The Board of Commissioners has found the proposed zone change is consistent with state/local guidelines/policies and the request in change to an

implementing zone of IL is consistent. The Board finds the property owners of Klamath County may avail themselves of this application process upon initiation of the required process. The applicant has demonstrated a public need for the proposed project, a mini warehouse complex, through testimony and corroboration of the Staff and the Planning Commission.

The property affected by the change of zone is adequate in size and shape to facilitate the proposed use that is normally allowed in conjunction with the zoning. The proposed use is a permitted use in the IL zone and subject to Site Plan approval.

The property affected by the change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein. The subject site is adjacent to industrial zoned property and the change in zone is found to be of little significance.

The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties.

The Board finds the property and surrounding land uses are developed and to be consistent with the existing/surrounding land use of the area as set out in applicants testimony and corroborated by the Staff and Planning Commission.

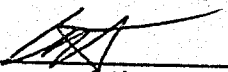
ORDER:

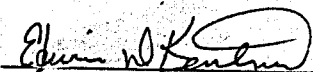
The Board of Commissioners finds based on testimony received, and exhibits a-c, the applicants has satisfied the pertinent criteria as out set in the Articles 47 and 48 of the Code.

Correct notice was given and the intent of the statewide planning program has been met.

Therefore, it is ordered the request for CLUP/ZC 1-94 is approved for a change in the Land Use Plan from URBAN RESIDENTIAL to Industrial and a Zone Change from RS to IL.

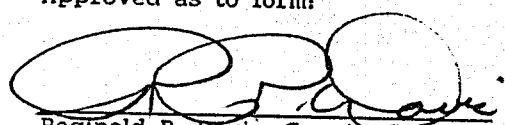
DATED this 17th day of March 1994


Chairman of the Board of Commissioners


Commissioner


Commissioner F. Jean Elzner

Approved as to form:


Reginald R. Davis, County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this Order. Contact the Klamath County Planning Department for information if you are to appeal. Failure to do so in a timely manner may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 17th day
of March A.D., 19 94 at 9:07 o'clock A M., and duly recorded in Vol. M94,
of Deeds on Page 8063.

FEE none

Evelyn Biehn - County Clerk

By Doulene Mullenbore